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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,755

05/04/2005

Andreas Kursawe

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4743

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EXAMINER

GOFF II, JOHN L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,755	<b>Applicant(s)</b> KURSAWE, ANDREAS	
	<b>Examiner</b> John L. Goff	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Swinburne (U.S. Patent 6,619,361).

Swinburne discloses a device and method of a conveyance device capable of conveying containers and a labeling unit connectable thereto capable of labeling the containers wherein at least identification data of the labeling unit, e.g. information about a machine state, information about the label supply, etc., is transmitted to the conveyance device (Column 3, lines 42-51 and Column 4, line 43).

### ***Claim Rejections - 35 USC § 102/103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1791

4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Clusserath et al. (U.S. Patent 5,713,403).

Clusserath discloses a device and method of a conveyance device capable of conveying containers and a labeling unit connectable thereto capable of labeling the containers (Figures 1a and 3 and Column 4, lines 27-46 and Column 6, lines 26-43).

Clusserath does not specifically describe the information transmitted between the control device (12) of the conveyance device and the labeling units (26 and 27), it being noted the control device and labeling units are considered to comprise an internal computer network and/or internet connection. However, this information is considered to inherently include identification data, e.g. synchronization data, information about a machine state, etc., and address information, e.g. an identifier for each labeling unit, wherein both the control device and labeling units are considered to inherently include memory for receiving the transmitted information. In the event it is shown the information is not necessarily inherent the following rejection would apply. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the control device (12) of the conveyance device and the labeling units (26 and 27) taught by Clusserath transmit and receive information between them such as address information to identify and distinguish the labeling units to the control device and identification data to provide feedback to the control device regarding the state of the labeling units such that the control device provides the appropriate controlling commands as would be considered conventional information involving a control unit and multiple controlled units, i.e. labeling units.

Regarding claims 6, 13, and 15, Clusserath does not specifically describe the number of transmission devices between the control device (12) of the conveyance device and the labeling

Art Unit: 1791

units (26 and 27). However, Clusserath is considered to inherently include two different transmission devices, i.e. one transmission device for transmitting information between the control device and the labeling units and a second transmission device for transmitting information between the labeling units and the control device. In the event it is shown that it is not necessarily the case that there are two transmission devices the following rejection would apply. There are only two possibilities regarding the number of transmission devices, e.g. there is a single transmission device or more than one transmission device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in Clusserath one transmission device for transmitting information between the control device and the labeling units and a second transmission device for transmitting information between the labeling units and the control device as opposed to a single transmission device for transmitting all of the information between the control device and labeling units for the obvious benefit of having a transmission device for each direction provides uninterrupted and faster data transmission between the control device and labeling units.

***Claim Rejections - 35 USC § 103***

5. Claims 1-3, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clusserath in view of Swinburne.

Clusserath and Swinburne are described above in full detail. In the event it is shown the information transmitted between the control device of the conveyance device and the labeling units does not necessarily include identification data the following rejection would apply. It would have been obvious to one of ordinary skill in the art at the time the invention was made

Art Unit: 1791

that the labeling units taught by Clusserath transmit identification data to the control device of the conveyance device to indicate information about a machine state, information about the label supply, etc. such that containers are not improperly labeled as shown by Swinburne.

6. Claims 4-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clusserath and Swinburne as applied to claims 1-3, 10, and 11 above, and further in view of Hashiguchi et al. (U.S. Patent Application Publication 2002/0161467).

In the event it is shown the information transmitted between the control device of the conveyance device and the labeling units does not necessarily include address information the following rejection would apply. Clusserath does not specifically describe the control unit of the conveyance device in any particular detail. It is well known that control units (3 of Figure 3) for controlling devices (2 of Figure 1) on a production device form an internal computer network which control unit includes a transmission device for transmitting address information, e.g. adjustable ip address information, from the control unit to the devices such that the devices are identified to the control unit, a memory for the address information which was transmitted, and an internet connection, and the controlled devices include a transmission device for transmitting identification data to the control unit and a memory for receiving the address information as shown by Hashiguchi (Figures 1-3 and Paragraphs 0049, 0050, 0054, 0061, 0063, and 0067). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the control device of the conveyance device and the labeling units taught by Clusserath as modified by Swinburne form a conventional internal computer network as shown by Hashiguchi such that the control device and labeling units are able to interact as required.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John L. Goff/  
Primary Examiner, Art Unit 1791